



Your Say

Under the *Broadcasting Services Act 1992*, each broadcasting industry sector is required to develop codes of practice applicable to the broadcasting operations of its section of the industry. The ABA monitors the operation of these codes and performs an independent adjudicator role where complaints are not resolved between the complainant and the broadcaster concerned.

This series is compiled by David Smith, ABA Codes and Conditions section.

ABA investigations into programming matters

Investigations completed by the ABA in the quarter ended 31 December 2000

Number of ABA investigations finalised in the quarter:	49
— investigations where a breach was found	19
— investigations where no breach was found	30

The complaints process

Under codes of practice, primary responsibility for the resolution of complaints rests with the broadcasters themselves. The Act lays down a general procedure for complaint handling whereby complainants are required to approach the broadcaster first, who in turn is obliged to respond. However, if a complainant does not receive a response within 60 days, or considers the response received to be inadequate, the matter can be referred to the ABA for investigation. The ABA refers to these as unresolved complaints and must investigate complaints so made.

Complaints in relation to possible breaches of the formal program standards (children's television and Australian content), of the Act itself and of licence conditions may be made directly to the ABA. That is, complainants are not obliged to contact the broadcaster first.

The ABA may make a finding that a broadcaster has breached a code of practice or a broadcaster may admit a breach of a code. Breaches of the codes are not breaches of the Act, although the ABA may make compliance with a code a condition of licence. Generally the ABA seeks to ensure that broadcasters take action to remedy breaches or to put in place procedures to ensure they do not recur.

In the period 1 September to 31 December 2000, the ABA completed 19 investigations which resulted in breach findings of either a code of practice or the Act.

Of the 19 investigations resulting in a breach finding, nine related to commercial television, two to subscription television, one to ABC television, two to commercial radio, two to open narrowcast radio and one each to permanent community radio, temporary community radio and ABC radio.

The 24 breaches covered 12 broad issues: complaints handling (six), licence conditions (three), classification of material (three), sponsorship and advertising on community radio (three), providing a commercial service without a licence (two), invasion of privacy, fairness and impartiality in news bulletins, being able to distinguish factual material from commentary and analysis, news updates broadcast at inappropriate times, inadequate consumer advice, vilification, and offensive language on the radio.

Breach finding:

Investigations completed by the ABA, October – December 2000

<i>Callsign</i>	<i>program/advertisement /issue</i>	<i>substance of complaint</i>	<i>code/section of the Act applicable to breach finding</i>
Commercial television			
TEN 10 Sydney	What Went Wrong	Footage identified complainant's dead son; inadequate warning given; timeliness of response to complaint.	Level of violence and adult themes in a PG classified program.
NEN Prime Northern NSW	Quick	Offensive rape scene in an M classified movie.	Level of sex/nudity and adult themes in an M classified program.
ATV 10 Melbourne	Good News Week	Comments vilified and denigrated Christians; complaints handling.	Lack of a substantive response to a written complaint.
GTV 9 Melbourne	Christopher Columbus—The Discovery	Frequent nudity in a G classified movie; complaints handling.	Failure to advise the complainant of the right to refer complaint to the ABA.
QTQ 9 Brisbane	A Current Affair	Item on home security was inaccurate and unfair; complaints handling.	Complaints handling.
TVQ 10 Brisbane	News	Inaccuracy and an invasion of privacy in news item.	Invasion of privacy; fair and impartial presentation of news; commentary and analysis to be distinguishable from factual material.
TVQ 10 Brisbane	Caught on Tape/Ibiza Uncovered program promotion	Inappropriate program promotion in PG time; no substantive response from station.	Complaints handling.
STW 9 Perth	El Condor	Offensive levels of sex and nudity.	Lack of consumer advice before commencement of program.
STW 9 Perth	The Footy Show	Offensive segment featured 'one testicle hanging out from a pair of shorts'.	Level of nudity in a PG classified program.
Subscription television			
Foxtel Channel TV1	tobacco advertisement	A tobacco advertisement was broadcast during the closing credits of 'Hogan's Heroes'.	Contravention of the <i>Tobacco Advertising Prohibition Act 1992</i> . *
Neighbourhood Cable	not specified	Pay TV station in Mildura was retransmitting a metropolitan commercial television service.	Contravention of section 121E of the <i>Broadcasting Services Act</i> ; failure to retain a record of matter broadcast . *
ABC television			
ABC TV	Mixy	Inappropriate newsbreak during children's programming.	Broadcasting of news updates during an inappropriate program.
Commercial radio			
4RO Rockhampton	Olivia Scott	'Australian Apology to the Aborigines' was blatantly racist.	Vilification on the basis of race.
6NOW Perth	The Breakfast Show	Female caller offered to give local footballer a head job; complaints handling.	Use of language likely to offend; complaints handling.
Open narrowcast radio			
Country FM Maryborough	not specified	Station is not operating as a narrowcast service.	Providing a commercial broadcasting service without a licence . *
The Breeze Cairns	not specified	Station is not operating as a narrowcast service.	Providing a commercial broadcasting service without a licence . *

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Callsign	program/advertisement /issue	substance of complaint	code/section of the Act applicable to breach finding
Permanent community radio			
6NR Perth	Harvey World Travel Program	Travel program sponsored by Harvey World Travel which was promoted exclusively throughout.	More than 5 minutes of sponsorship announcements per hour; broadcasting advertisements. *
Temporary community radio			
Radio VIP Newcastle	not specified	Advertisements were read out on-air.	Broadcasting advertisements on community radio. *
ABC radio			
3LO Melbourne	Jon Faine	Offensive and discriminatory jokes made about women; complaints handling.	Complaints handling.

All breaches were of a code of practice except: * breach of the Broadcasting Services Act 1992

In relation to the above breaches the licensees concerned took the following action:

TEN 10—The ABA is currently seeking information from the station regarding any action taken as a result of the breach findings.

NEN Prime—At the instigation of the Seven Network, the ABA met with representatives from Seven to discuss the matter.

ATV 10—The Ten network advised the ABA that it would review its approach to complaints handling in the light of the ABA's findings.

GTV 9—Relevant staff have been provided with guidelines and the station has conducted code training sessions that included complaints handling procedures.

QTQ 9—The Nine Network has conducted training seminars at both TCN and QTQ involving department heads and executive producers.

TVQ 10 (Ibiza Uncovered)—The ABA has held meetings with the Network Manager Broadcast Policy to discuss the issue. The network manager has in turn advised relevant personnel at the station regarding the importance of centralising the handling of all complaints.

TVQ 10 (News)—The network did not agree with the ABA's decision. The ABA is seeking an undertaking from the station that relevant personnel will be advised of the ABA's findings.

STW 9 (El Condor)—The station received the movie direct from the Nine Network. It has brought the ABA's decision to the attention of the appropriate network classification officer.

STW 9 (The Footy Show)—The ABA recently met with classification officers from the commercial television networks to discuss recent ABA decisions, including this one. The finding was also raised by Nine with the program's executive producer.

Foxtel TV1—A seminar was conducted by Foxtel for the benefit of its program suppliers on codes of practice and licence conditions that relate to program content. Such seminars will be held regularly.

Neighborhood Cable—The licensee immediately changed its programming schedule to comply with the provisions of section 121E of the Act. It also implemented mechanisms to enable it to make and retain for a period of six weeks records of matters broadcast.

ABC TV—The ABC has altered the way it broadcasts major breaking news stories during children's programs. This is now done by means of superimposed moving text at the bottom of the screen rather than by means of a newsbreak.

4RO—The station suspended the announcer concerned, broadcast several

apologies, implemented an ongoing training program for all on-air staff, met with representatives from the local indigenous community and issued a news release regarding this meeting.

6NOW—The station questioned the ABA's finding with regard to the broadcast itself. The station's program director was counselled by management about his failure to respond in writing to the complainant.

Country FM—The programming of the service was altered so that it met the narrowcast criteria.

The Breeze—The programming of the service was altered so that it met the narrowcast criteria.

6NR—The presenter of the program in question underwent additional training and the station informed the ABA that it was preparing a formal, written sponsorship policy.

Radio VIP—The program that was the subject of the complaint is no longer being transmitted.

3LO—The ABC provided the complainant with an apology and the station has since reviewed and tightened its complaints handling procedures.

No breach finding

Investigations completed by the ABA: October – December 2000:

<i>callsign</i>	<i>Program/advertisement/issue</i>	<i>substance of complaint</i>	<i>relevant code/licence condition</i>
Commercial television			
TEN 10 Sydney	Love Rules	Objectionable footage of two females kissing.	Sex and nudity, adult themes in PG classified program.
TEN 10 Sydney	Love Rules program promotion	Inappropriate program promotion for G viewing period.	Program promotions shown during G classification period.
NRN 10 Coffs Harbour	A Closer Look at Kevin Trudeau infomercial	Infomercial had no disclosure before or after.	Commercials to comply with relevant Federal and State law requirements.
WIN South Coast	Good Medicine	Program was misleading and potentially alarming.	Simulating news or events in a misleading manner.
HSV 7 Melbourne	non-program material	Too many advertisements during 'Blue Heelers'.	Time occupied by non-program matter.
HSV 7 Melbourne	Family Guy — Chitty Chitty Death Bang	Inappropriate language and depiction of suicide.	Language and depiction of suicide in a PG classified program.
ATV 10 Melbourne	British Sex	Demeaning portrayal of sexual behaviour; nudity.	Sex and nudity in an MA classified program.
TVQ 10 Brisbane	Beauty and the Beast	Frequent coarse language.	Language in a PG classified program.
STQ 7 Mackay	Cold Feet program promotion	Promotion for M rated program was unsuitable for viewing in G and PG times.	Restrictions on program promotions in G and PG classification periods.
WIN Rockhampton	News	Invasion of privacy in item about car theft.	Invasion of privacy; identification of individuals.
ADS 10 Adelaide	non-program material	Too many advertisements during golf telecasts.	Time occupied by non-program matter.
SAS 7 Adelaide	World's Greatest Commercials Adults Only Special program promotion	Program promotion was inappropriately broadcast during sports coverage.	Depiction of sexual behaviour during a program promotion broadcast during G-classification period.
TWW 7, STW 9, NEW 10 Perth	Western Australian Water Corporation advertisement	Advertisement contained political matter that was not accompanied by the required authorisation.	Political matter to be accompanied by the required particulars.*
Commercial radio			
2UE Sydney	Alan Jones	Inaccurate comments regarding Hong Kong residents voting in the NSW election.	Inciting hatred; inaccuracy in current affairs programs; distinguishing factual material from commentary and analysis.
3AW Melbourne	Rex Hunt	Blasphemous language; complaints handling.	Religious vilification; complaints handling.
3AW Melbourne	Rex Hunt	Offensive verbal altercation between commentators; complaints handling.	Offensive language; complaints handling.
3KKZ Melbourne	Omo advertisement	Phrase 'whitest and brightest kids' was racist.	Vilification on the basis of race.
5AA Adelaide	Sports Show	Offensive comments regarding Victorian footballers being 'poofers'.	Vilification on the basis of sexual preference.
5SSA Adelaide	not specified	Reference to a conversation between two 'grannies' mocked elderly women.	Unauthorised use of the words of an identifiable person; vilification on the basis of age.
3CV Maryborough	National Top 40	Interview with a rock band promoted drug use.	Desirable presentation of the use of drugs.
3BBO Bendigo	One Hot Minute	Comments incited law-breaking and racial vilification.	Desirable presentation of drug use; racial vilification.
Community radio			
3RRR Melbourne	Off the Record	Encouragement of drug use.	Protection of children from harmful material; desirable presentation of drug use.



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ABC television

ABC TV	After the Corroboree	Inaccurate estimate of number of people involved in reconciliation march.	Accuracy in news and current affairs.
ABC TV	7.30 Report	Political bias from host when interviewing coalition politicians	Impartiality and balance in news and current affairs programs.

ABC radio

ABC Metro	Spencer Howson	Discussion about swingers parties unsuitable for breakfast timeslot.	Sex and sexuality program code.
ABC Regional	Sport—AFL	Offensive language; no response to complaints.	Language program code; complaints handling.

SBS television

SBS TV	6.30 News	Inaccurate report relating to Holocaust; complaints handling.	Discrimination; news and current affairs; written complaints.
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SBS radio

SBS Radio	Persian-language program	Political bias.	Balance in presentation of news and information.
SBS Radio	Romanian program	Program does not meet the needs of the Romanian community; complaints handling.	Community information; complaints handling.
SBS Radio	Polish-language program	Program promotes racism and Catholicism; political bias.	Discrimination; right to self-identification; news and current affairs; even-handed treatment of religions.

All potential breaches were of a code of practice except: * potential breach of licence condition

Complaint handling by commercial radio stations

The Commercial Radio Codes of Practice require each commercial radio broadcaster to provide FARB with an extract of the record of complaints received. FARB provides a consolidated report to the ABA.

The figures and summaries below were provided to the ABA by FARB. They cover the fourth quarter of 2000.

October – December 2000

Member stations recorded 226 written complaints alleging breaches of the Commercial Radio Codes of Practice during the final quarter of 2000.

Complaints made to commercial radio stations about programs: October – December 2000

	Talkback & Discussion	News & Current Affairs	Music Programs	Advertising	Miscellaneous	Total
Offensive matters in	16	11	8	11	6	52
Prohibited matter in	0	0	3	0	0	3
Other complaints	56	4	11	13	87	171
Total	72	15	22	24	93	226

Source: FARB Commercial Radio Codes of Practice: Complaints Summary December Quarter 2000

Complaint handling by commercial television stations

The Commercial Television Industry Code of Practice requires each commercial television broadcaster to report to FACTS, within 15 working days of the end of each quarter, the number and substance of written complaints alleging specific breaches of the code. FACTS has provided this quarterly report to the ABA.

October - December 2000

Commercial television stations reported 182 written complaints relating to matters covered by the Commercial Television Industry Code of Practice in the fourth

quarter of 2000. This was 37 per cent fewer than the number of complaints reported in the previous quarter.

The number of complaints about general classification issues, commercial placement and bias/inaccuracy increased slightly.

In five instances a station agreed that a complaint identified a breach of a code provision:

- a complaint concerning inaccurate reporting on bank fees by the Nine Network's 'A Current Affair';
- a complaint concerning inaccurate reporting on an item about Gold Coast

tourism on the Nine Network's 'A Current Affair';

- a complaint about the inappropriate placement of a promotion for the movie *Turbulence* during the movie *Those Magnificent Men in their Flying Machines* on BTQ Brisbane;
- a complaint about the inappropriate placement of an M classified commercial during the broadcast of the movie *The Sound of Music* on Seven Queensland;
- a complaint that closed captions were not present as advertised on a number of programs broadcast by NTD Darwin.

In the previous quarter, there were 11 complaints upheld by the stations concerned.

Complaints made to commercial television stations about programs: October - December 2000

	Sex/nudity	Language	Violence	Suicide	Drug use	Classification	Bias/inaccuracy	Privacy	Discrimination	Comm. content	Comm. placement	Comm. general	Closed caption	Complaint handling	Total	% All complaints
Children's	1		1			1				2					5	2.7
Comedy	4	5	1			2			2						14	7.7
Current Affairs	1					1	31		1	1					35	19.2
Documentary	2									2					4	2.2
Drama Series	3					1				1		1			6	3.3
Game															0	0.0
Information	13	7	1			2			1	2	3	1			30	16.5
Movies	7	4	5			1				2	1				20	11.0
Music Video											1				1	0.5
News		1				2	5	1			1				10	5.5
Sport	2		5				1		2	1	11				22	12.1
Variety	4	1				5			4						14	7.7
Unspecified	2	2									7				11	6.1
Promos		1	1			8									10	5.5
Total	39	21	14	0	0	23	37	1	10	7	28	1	1	0	182	100.0
% All Complaints	21.4	11.5	7.7	0.0	0.0	12.6	20.3	0.6	5.5	3.8	15.4	0.6	0.6	0.0	100.0	

Drama Series includes Serials

Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary December Quarter 2000